

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESHAWN COREY ROGERS,

Defendant.

4:07CR3027

MEMORANDUM AND ORDER

The defendant was afforded an opportunity for a hearing, but agreed to be detained without a hearing. The defendant has therefore failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that he will appear at court proceedings and will not pose a danger to the safety of any person or the community if released. The Court's findings are further based on:

- the allegations within the Petition, including the fact that the defendant was afforded an opportunity to go to drug treatment at Stephens Center, but when he presented himself for entrance into that facility, was admittedly under the influence of marijuana;
- the defendant's act of absconding, rather than reporting to his supervising officer, when he was not permitted into the Stephens Center program; and
- his lackadaisical attitude about the foregoing events and allegations when, after being located and re-arrested by the marshals, he appeared before the undersigned magistrate judge.

Accordingly,

IT IS ORDERED:

- 1) The above-named defendant shall be detained until further order.
- 2) The defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver the defendant to a United States Marshal for appearance in connection with a court proceeding.

February 14, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge